

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Enoma Igbinovia,

Plaintiff

v.

William Hehn, et al.,

Defendants

Case No.: 2:22-cv-01383-JAD-EJY

**Order Adopting Report and  
Recommendation**

[ECF No. 3]

The magistrate judge has screened pro se plaintiff Enoma Igbinovia's "Actual Innocence Civil Rights Complaint" and recommends that this action be dismissed for failure to state a claim and that Igbinovia be given until October 11, 2022, to file an amended complaint and attempt to cure the deficiencies in his claims.<sup>1</sup> The deadline for any party to object to that recommendation was September 22, 2022, and no party filed anything or asked to extend the deadline to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."<sup>2</sup> Having reviewed the report and recommendation, I find good cause to adopt it, and I do.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation [ECF No. 3] is **ADOPTED** in its entirety:

- **Plaintiff's First Cause of Action alleging a violation of the Fourteenth Amendment against the Clark County District Attorney's Office and his defense counsel is DISMISSED with prejudice;**

<sup>1</sup> ECF No. 3.


<sup>2</sup> *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

- **All other claims** (Plaintiff's First Cause of Action alleging a Fourteenth Amendment violation against Las Vegas Metropolitan Police Department Officers, along with his Second, Third, and Fourth Causes of Action alleging violations of the Eighth Amendment based on the conditions of confinement and failure to protect the plaintiff from serious risk of harm from other inmates) **are DISMISSED without prejudice and with leave to amend by October 14, 2022.**

IT IS FURTHER ORDERED that **plaintiff has until October 14, 2022, to file an amended complaint** to cure the defects identified in the claims that are being dismissed without prejudice. If plaintiff chooses to file an amended complaint to cure the defects identified in the report and recommendation, he is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself without reference back to the original complaint, and he may not include a Fourteenth Amended claim against the Clark County District Attorney's Office or his defense counsel because those claims have been dismissed with prejudice and without leave to amend. He must use the court's form and write the word "Amended" before "Complaint" in the caption. **If plaintiff fails to file an amended complaint by October 14, 2022, the court will deem that failure as his concession that he cannot cure the deficiencies identified in the Report and Recommendation and will dismiss this action with prejudice and close this case.**

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1 IT IS FURTHER ORDERED that the Clerk of Court is directed to **SEND** the plaintiff a  
2 copy of the Report & Recommendation [ECF No. 3] and a copy of the Court's **Pro Se Civil**  
3 **Rights Complaint for Non-prisoners.**

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6 U.S. District Judge Jennifer A. Dorsey  
7 Dated: October 3, 2022  
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